

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1156-PWS-E TCEQ ID: RN103105557 CASE NO.: 34183
RESPONDENT NAME: Craig J. Dickson

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Texas Country Kitchen, 37470 Farm-to-Market Road 529, Brookshire, Waller County</p> <p>TYPE OF OPERATION: Public water system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Air Enforcement Section, MC 149, (512) 239-2134; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Craig J. Dickson, Owner, 5432 Deimer Road, Brookshire, Texas 77423 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 1, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 26, 2007 (NOE)</p> <p>Background Facts: This was a record review investigation.</p> <p>WATER</p> <p>Failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling. [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)].</p>	<p>Total Assessed: \$1,395</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,395</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>This is a findings order because the Respondent has three or more repeated enforcement actions over the prior five year period for same or similar violations.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent began routine monthly bacteriological sampling on May 31, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, in accordance with 30 TEX. ADMIN. CODE § 290.122; and</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification of six consecutive months of sampling, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): PWS 2370083



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ
DATES

Assigned 2-Jul-2007
PCW 9-Aug-2007

Screening 13-Jul-2007 EPA Due N/A

RESPONDENT/FACILITY INFORMATION

Respondent Craig J. Dickson
Reg. Ent. Ref. No. RN103105557
Facility/Site Region 12-Houston Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 34183 No. of Violations 1
Docket No. 2007-1156-PWS-E Order Type Findings
Media Program(s) Public Water Supply Enf. Coordinator Suzanne Walrath
Multi-Media EC's Team Enforcement Team 3
Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 86% Enhancement Subtotals 2, 3, & 7 \$645

Notes

The respondent received 11 NOVS with same or similar violations, three NOVs without same or similar violations, and the facility has received one Findings Order.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$103
Approx. Cost of Compliance \$300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$1,395

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$1,395

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,395

DEFERRAL

Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral as this is a findings order.

PAYABLE PENALTY

\$1,395

Screening Date 13-Jul-2007

Docket No. 2007-1156-PWS-E

PCW

Respondent Craig J. Dickson

Policy Revision 2 (September 2002)

Case ID No. 34183

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN103105557

Media [Statute] Public Water Supply

Enf. Coordinator Suzanne Walrath

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 86%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent received 11 NOVS with same or similar violations, three NOVs without same or similar violations, and the facility has received one Findings Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 86%

Screening Date 13-Jul-2007 Respondent Craig J. Dickson Case ID No. 34183 Reg. Ent. Reference No. RN103105557 Media [Statute] Public Water Supply Enf. Coordinator Suzanne Walrath Violation Number <input type="text" value="1"/>	Docket No. 2007-1156-PWS-E <div style="text-align: right;"> PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision May 25, 2007</i> </div>																			
Rule Cite(s) <input type="text" value="30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)"/>																				
Violation Description <input type="text" value="Failed to perform routine monthly bacteriological sampling of the public water supply during the months of January 2007, March 2007, and April 2007, and failed to provide public notification of the failure to conduct monthly bacteriological sampling during the months of January 2007, March 2007, and April 2007."/>																				
Base Penalty <input type="text" value="\$1,000"/>																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3" style="text-align: center;">Harm</th> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"> Percent <input type="text" value="25%"/> </td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
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>> Programmatic Matrix																				
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th style="text-align: center;">Falsification</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"> Percent <input type="text" value="0%"/> </td> </tr> </table>		Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	<input type="text" value="Failure to perform routine bacteriological sampling of the public water supply and failure to provide public notification could result in customers of the water supply being exposed to significant amounts of bacteriological contamination which would exceed levels that are protective of human health."/>						
		Falsification	Major	Moderate	Minor															
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>														
Adjustment <input type="text" value="\$750"/>																				
<input type="text" value="\$250"/>																				
Violation Events																				
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events <input type="text" value="3"/> </td> <td style="width: 20%; text-align: center;"> <input type="text" value="92"/> </td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>					Number of Violation Events <input type="text" value="3"/>	<input type="text" value="92"/>	Number of violation days													
Number of Violation Events <input type="text" value="3"/>	<input type="text" value="92"/>	Number of violation days																		
<table style="width: 100%;"> <tr> <td rowspan="6" style="vertical-align: middle; text-align: center;"> mark only one with an x </td> <td style="text-align: center;">daily</td> <td><input type="text"/></td> <td rowspan="6" style="vertical-align: middle;"> Violation Base Penalty <input type="text" value="\$750"/> </td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text" value="x"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td><input type="text"/></td> </tr> </table>					mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$750"/>	monthly	<input type="text" value="x"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$750"/>																	
	monthly	<input type="text" value="x"/>																		
	quarterly	<input type="text"/>																		
	semiannual	<input type="text"/>																		
	annual	<input type="text"/>																		
	single event	<input type="text"/>																		
Three monthly events are recommended.																				
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount <input type="text" value="\$103"/>		Violation Final Penalty Total <input type="text" value="\$1,395"/>																		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$1,395"/>																

Economic Benefit Worksheet

Respondent Craig J. Dickson
Case ID No. 34183
Reg. Ent. Reference No. RN103105557
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	1-Jan-2007	30-Apr-2007	0.3	\$5	\$98	\$103
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct monthly bacteriological sampling and provide public notification, calculated for the three months (January, March, and April 2007) when the violations occurred.

Approx. Cost of Compliance

\$300

TOTAL

\$103

Compliance History

Customer/Respondent/Owner-Operator: CN603167065 DICKSON, CRAIG J Classification: Rating:
Regulated Entity: RN103105557 TEXAS COUNTRY KITCHEN Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2370083
Location: 37470 FM 529 RD, BROOKSHIRE, TX, 77423
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: July 17, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 17, 2002 to July 17, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Suzanne Walrath Phone: 512/239-2134

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Craig J. Dickson
4. If Yes, who was/were the prior owner(s)? Carolyn Hilgen
5. When did the change(s) in ownership occur? October 1, 2006

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/19/2007

ADMINORDER 2006-0505-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 07/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 07/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 08/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 08/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 09/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 09/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 10/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 11/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 11/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 12/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 12/2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 01/2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 01/2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 02/2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to post a PN for not collecting any routine monitoring samples in 02/2006.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/14/2004	(335577)
2	10/03/2005	(462310)
3	10/24/2005	(460052)
4	10/31/2005	(462328)
5	12/01/2005	(462345)
6	12/21/2005	(462351)
7	01/25/2006	(462518)
8	02/23/2006	(462523)
9	03/22/2006	(462613)
10	04/28/2006	(463923)
11	01/26/2007	(564254)
12	01/31/2007	(563988)
13	02/21/2007	(564265)
14	03/29/2007	(564667)
15	04/25/2007	(564689)
16	05/25/2007	(564702)
17	06/26/2007	(565047)
18	06/27/2007	(558354)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/14/2004 (335577)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 Description: Failure to provide at the time of the investigation a distribution map.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)[G]
 30 TAC Chapter 290, SubChapter F 290.110(d)(3)[G]
 Description: Failure to provide a DPD test kit at the time of the investigation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 Description: Failure to provide weekly chlorine residual logs representative of distribution sampling at the time of the investigation.
 Date: 10/03/2005 (462310)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 08/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 08/2005.
 Date: 10/24/2005 (460052)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 07/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 07/2005.
 Date: 10/31/2005 (462328)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 09/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 09/2005.
 Date: 12/01/2005 (462345)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 10/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.
 Date: 12/21/2005 (462351)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 11/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 11/2005.
 Date: 01/25/2006 (462518)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples in 12/2005.
 Self Report? NO Classification: Moderate

Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	Failure to post a PN for not collecting any routine monitoring samples in 12/2005.		
Date:	02/23/2006	(462523)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
	5A THC Chapter 341, SubChapter A 341.033(d)		
Description:	Failure to collect any routine monitoring samples in 01/2006.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	Failure to post a PN for not collecting any routine monitoring samples in 01/2006.		
Date:	03/22/2006	(462613)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
	5A THC Chapter 341, SubChapter A 341.033(d)		
Description:	Failure to collect any routine monitoring samples in 02/2006.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	Failure to post a PN for not collecting any routine monitoring samples in 02/2006.		
Date:	02/21/2007	(564265)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	01/2007 - Failure to collect any routine monitoring sample(s) for 01/2007.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	01/2007 - Failure to post PN for not collecting any routine monitoring sample(s) for 01/2007.		
Date:	04/25/2007	(564689)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	03/2007 - Failure to collect any routine monitoring sample(s) for 03/2007.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	03/2007 - Failure to post PN for not collecting any routine monitoring sample(s) in 03/2007.		
Date:	05/21/2007	(558354)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)[G]		
	30 TAC Chapter 290, SubChapter F 290.110(d)(3)[G]		
Description:	Failure to provide a DPD test kit at the time of the investigation.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)		
Description:	Failure to provide weekly chlorine residual logs representative of distribution sampling at the time of the investigation.		
Self Report?	NO		Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain a properly functioning chlorinator.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations.		
Date:	05/25/2007	(564702)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	04/2007 - Failure to collect any routine monitoring sample(s) for 04/2007.		
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	04/2007 - Failure to post PN for not collecting any routine monitoring sample(s) in 04/2007.		
Date:	06/27/2007	(558354)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		

Description:	Failure to provide at the time of the investigation a distribution map.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to properly maintain the regulated entity by not cutting the shrubs along the surrounding the fence and ground of the well site.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to properly maintain the regulated entity by not turning the barbed wire on the fence outward at a 45 degree angle at the well site.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CRAIG J. DICKSON
RN103105557**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1156-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Craig J. Dickson ("Mr. Dickson") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Dickson, presented this agreement to the Commission.

Mr. Dickson understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Dickson agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Dickson.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Mr. Dickson owns property with a public water system that serves Texas Country Kitchen located at 37470 Farm-to-Market Road 529 in Brookshire, Waller County, Texas (the "Facility") that has one service connection and serves at least 50 people per day for at least 60 days per year.

2. During a record review on May 1, 2007, TCEQ staff documented that Mr. Dickson failed to perform routine monthly bacteriological sampling of the public water supply during the months of January 2007, March 2007, and April 2007, and failed to provide public notification of the failure to conduct monthly bacteriological sampling during the months of January 2007, March 2007, and April 2007.
3. Mr. Dickson received notice of the violations on July 1, 2007.
4. The Executive Director recognizes that Mr. Dickson began routine monthly bacteriological sampling at the Facility on May 31, 2007.

II. CONCLUSIONS OF LAW

1. Mr. Dickson is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Mr. Dickson failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct bacteriological sampling, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B).
3. Pursuant to the TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Dickson for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Thousand Three Hundred Ninety-Five Dollars (\$1,395) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Mr. Dickson has paid the One Thousand Three Hundred Ninety-Five Dollar (\$1,395) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Dickson is assessed an administrative penalty in the amount of One Thousand Three Hundred Ninety-Five Dollars (\$1,395) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Dickson's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations

that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Craig J. Dickson, Docket No. 2007-1156-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Dickson shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
- b. Within 15 days after the effective date of this Agreed Order, submit written certification of six consecutive months of sampling as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and should include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77703-1830

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Dickson. Mr. Dickson is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Dickson shall be made in writing to the Executive Director. Extensions are not effective until Mr. Dickson receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Dickson if the Executive Director determines that Mr. Dickson has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Dickson in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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Second main paragraph of handwritten text, continuing the narrative.

Third main paragraph of handwritten text, starting with a capital letter.

Fourth main paragraph of handwritten text, continuing the narrative.

Fifth main paragraph of handwritten text, starting with a capital letter.

Sixth main paragraph of handwritten text, continuing the narrative.

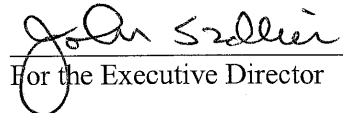
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/21/2007
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Mr. Dickson. I am authorized to agree to the attached Agreed Order on behalf of Mr. Dickson, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Mr. Dickson waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10 15 07
Date

Craig J. Dickson

Name (Printed or typed)
Authorized Representative of
Craig J. Dickson

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to Congress, and is one of the most important documents in the history of the United States.

2. The second part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to Congress, and is one of the most important documents in the history of the United States.

3. The third part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to Congress, and is one of the most important documents in the history of the United States.

4. The fourth part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to Congress, and is one of the most important documents in the history of the United States.

5. The fifth part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to Congress, and is one of the most important documents in the history of the United States.